REMARKS

The office action of June 25, 2007, has been carefully considered.

It is noted that claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-7, 14 and 15 are rejected under 35 U.S.C. 102(b) over the reference to Young et al.

In view of the Examiner's rejections of the claims, applicant has canceled claim 13, and amended claims 1 and 7.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 7 and canceled claim 13 to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 7 and 13 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions and methods disclosed in the reference.

Turning now to the reference, it can be seen Young et al. disclose edible products. This reference has been discussed at length in previous amendments and those comments are incorporated herein by reference. The following additional comments are provided.

Applicant submits that the Examiner's position that aluminum is an active ingredient is incorrect. In the passage cited by the Examiner (page 1, col. 1, lines 27-41) in the reference there is no mention that aluminum is an active ingredient. Instead, what this passage states is that via calcium or aluminum ions, which are contacted with an alginate sol in drop form, the alginate skin is formed. By this step, above all, the aluminum alginate, which then envelopes the fruit pulp, is formed first. There is no mention by Young that aluminum is an active ingredient.

It is further incorrect to count the aluminum ions of the

aluminum alginate as trace elements. Since the aluminum ions form counterions to the anionic groups of the alginate polymer, they cannot simply be separated and then used as trace elements, because the principal of charge neutrality of compounds also holds true in this situation - trace elements that act as active ingredients must be readily accessible to the body without problems.

Furthermore, in the present invention the term "trace elements" is naturally understood to only encompass trace elements for dietary or nutritional scientific purposes. Not included are trace elements for, for example, cosmetic or mineralogical purposes. A broadening of this definition would require a purposeful misinterpretation of the invention. Trace elements in the dietary or nutritional purposes do not normally include aluminum. As support for this applicant encloses the first four pages of Report 532 of the World Health Organization discussing Trace Elements in Human Nutrition. As is apparent from the table of contents, aluminum is not listed as a trace element for human nutrition.

Thus, applicant submits that Young et al. do not disclose the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-7, 14 and 15 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 25, 2007.

By: _____ Date: September 25, 2007
Klaus P. Stoffel

This report contains the collective views of an international group of experts and does not necessarily represent the decisions or the stated policy of the World Health Organization.

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Report of a WHO Expert Committee

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